

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

IN RE:

CASE NO: 9:09-BK-11283-ALP

Joseph C. Panzera and Carolyn D. Panzera
_____ /

Joseph C. Panzera and Carolyn D. Panzera
Plaintiff,

v.

Adversary Case No: 9:09-ap-00427-ALP

Washington Mutual Home Loans,
Defendant
_____ /

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JUDGMENT BY DEFAULT

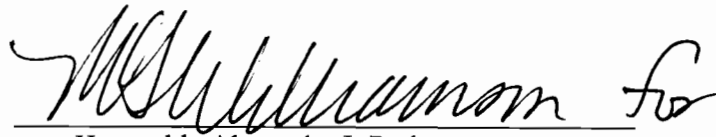
THIS CAUSE came before the Court ex parte upon the Motion for Default Judgment, with supportive proof filed by Plaintiffs, Joseph and Carolyn Panzera. This Court, having granted the Motion, and noting a default was entered on December 31, 2009 against Washington Mutual Home Loans,

it is therefore ORDERED AND ADJUDGED that:

1. Washington Mutual Home Loans is in violation of the automatic stay granted pursuant to 11 USC § 362(1) by entering the home of the Plaintiffs and changing the locks to their doors and cutting the utilities to the property and that the Panzeras suffered actual damages by the emotional distress of coming home to find that their home had illegally been broken into by Washington Mutual Home Loans and that Washington Mutual Home Loans had caused their locks to be changed, their electricity and water utilities to be shut off and their garage door havign been disconnected. For these actions, judgment is entered in favor of Plaintiffs, Joseph C. Panzera and Carolyn D. Panzera, and against Defendant Washington Mutual Home Loans in the amount of \$6,000, the sum of which shall bear interest at the statutory rate.
2. Washington Mutual Home Loans is in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 when it communicated with the Panzeras after it had knowledge that the Panzeras were represented by counsel. For these actions, judgment is entered in favor of Plaintiffs, Joseph C. Panzera and Carolyn D. Panzera, and against Defendant Washington Mutual Home Loans statutory damages in the amount of \$1,000, the sum of which shall bear interest at the statutory rate.

3. Washington Mutual Home Loans is in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 when it forcibly entered the Plaintiff's property, changed the locks, forcibly caused their utilities to be cut off and rummaged through their belongings. For these actions, judgment is entered in favor of Plaintiffs, Joseph C. Panzera and Carolyn D. Panzera, and against Defendant Washington Mutual Home Loans statutory damages in the amount of \$1,000, the sum of which shall bear interest at the statutory rate.
4. In total, judgment is entered in favor of Plaintiffs, Joseph C. Panzera and Carolyn D. Panzera, and against Defendant Washington Mutual Home Loans damages in the amount of \$8,000, the sum of which shall bear interest at the statutory rate.
5. The Court also awards attorney fees and costs to the Plaintiffs and reserves ruling on such until application or motion for fees and costs is made by the Plaintiff's attorney.

DONE AND ORDERED at Tampa, Florida on MAR 26 2010.



Honorable Alexander L. Paskay
U.S. Bankruptcy Court Judge

Conformed copies provided to:
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Washington Mutual Home Loans, Defendant
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